



## PRESS RELEASE

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### **Attorney General Frosh Leads Multistate Effort Seeking End to Unconstitutional Congressional Interference with States' Exxon Investigation**

**BALTIMORE, MD (August 15, 2016)** -Maryland Attorney General Brian E. Frosh, joined by a coalition of Attorneys General across the country, today urged Rep. Lamar Smith, Chairman of the House Committee on Science, Space and Technology, to end his inquiry into investigations being conducted by the states of Massachusetts and New York into possible securities and consumer protection law violations by the ExxonMobil Corporation. The letter, dated August 11, 2016, was signed by Attorney General Frosh and attorneys general from California, Connecticut, the District of Columbia, Hawaii, Maine, Mississippi, Oregon, Rhode Island, Vermont, Virginia and Washington.

In an attempt to thwart the independent investigatory powers of the States, Congressman Lamar Smith, who is also the Chairman of the Committee on Science, Space and Technology, issued a series of letters to the attorneys general of New York, Massachusetts, Maryland and others requesting that each state produce any and all documents pertaining to any undergoing investigations into the oil giant, Exxon. The states refused and Chairman Smith then issued subpoenas, without a Committee vote, to Massachusetts and New York.

In the letter, the coalition calls on Congressman Smith to withdraw his subpoenas, and states: "Your interference in our colleagues' work ignores a 'vital consideration' under our constitutional system of dual sovereignty: the preservation of comity between the federal government and the statesâ€. Any claim of a congressional right to 'oversee' the work of state constitutional law enforcement officers in fulfilling their core responsibilities under state law disrupts this comity and tears at the essential fabric of our national Constitution."

"Our colleagues in Massachusetts and New York, as the chief legal officers in their states, have a right to gather information necessary to determine whether a company has engaged in fraudulent or misleading conduct harmful to the residents of their respective states," said Attorney General Frosh. "Chairman Smith's threat to 'conduct vigorous oversight' of Attorneys General who are investigating violations of consumer and securities laws is an attack on the sovereignty of the states."

The letter also states: "In light of our nation's commitment to the preservation of a system of dual

sovereignty, it is not surprising that, despite centuries of investigative and prosecutorial activity by state attorneys general in which constitutional objections have been raised, you have not identified a single valid precedent, from any period of our country's history, for the 'vigorous oversight' of state attorneys general that you are now proposing to take."

On August 9, 2016, a coalition of attorneys general consisting of Maryland, New York, Illinois, Iowa, Maine, Minnesota, Mississippi, New Mexico, Oregon, Rhode Island, Vermont, Washington, the District of Columbia and the U.S. Virgin Islands, filed an amicus brief before the U.S. District Court for the Northern District of Texas in opposition of a Motion for Preliminary Injunction for Exxon, after Exxon filed a complaint against Massachusetts Attorney General Maura Healey citing violation of First Amendment rights.

[A full copy of the Amicus filing can be found here.](#)

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